

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ANTWAN BOGAN,

Plaintiff,

v.

Case No. 18-CV-1204

MILWAUKEE COUNTY CIRCUIT COURT, ET AL.,

Defendants.

ORDER

Plaintiff Antwan Bogan, who is confined at the Milwaukee County House of Correction, is representing himself. He filed a “class action complaint” which also named as plaintiffs ten other individuals. On August 8, 2018, the court assessed Bogan an initial partial filing fee, determined that Bogan was the only plaintiff who filed the “class action complaint” because he was the only plaintiff who signed it, and advised Bogan that he probably would not be permitted to proceed with a class action because he does not have an attorney. The court advised Bogan of the implications of joint prisoner litigation and ordered that, if he and the other individuals named as plaintiffs wanted to file a joint amended complaint, they should file it by August 29, 2018. The court stated that, if a joint

amended complaint was not filed by August 29, 2018, the court would screen the current complaint once Bogan paid the initial partial filing fee.

On August 22, 2018, Bogan filed an amended complaint on his own, and two days later the court received his initial partial filing fee. On September 13, 2018, Bogan filed a motion to dismiss this case. He states that he thinks the case is premature. The court will consider Bogan's motion as a request for voluntary dismissal, *see* Fed. R. Civ. P. 41(a)(1), and dismiss the case.

The court notes that on August 27, 2018, five individuals who were named as plaintiffs in the original complaint filed a proposed joint amended complaint. They attached to the pleading two pages from the court's August 8, 2018 order that advised Bogan and other individuals named as plaintiffs that they could file a joint amended complaint if they wanted to proceed jointly. However, as explained above, while these five individuals were named as plaintiffs in the original complaint, the court did not consider them plaintiffs because they had not signed the original complaint. Moreover, the court ordered that Bogan *and* the other individuals named as plaintiffs could file a joint amended complaint, not just the other individuals named as plaintiffs. These plaintiffs' proposed amended complaint is not properly before the court in this case and the court will therefore not consider it. They may file a new case if they want to proceed on their joint amended complaint.

IT IS THEREFORE ORDERED that Bogan's motion to dismiss (ECF No. 20) is **GRANTED**. This case is dismissed pursuant to Federal Rule of Civil Procedure 41(a)(1).

IT IS FURTHER ORDERED that the Clerk's Office mail copies of this order to the other individuals named as plaintiffs in the original complaint for whom the court has addresses.

Dated at Milwaukee, Wisconsin this 19th day of September, 2018.


WILLIAM E. DUFFIN
U.S. Magistrate Judge